

27.04.2021

Item No.281

Ct.No.28

dc.

Partly Allowed

C.R.M. 995 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sokir Haoui Mondal @ Saker Mondal & Ors.**
... Petitioners.

Mr. Prabir Majumder
... For the Petitioners.

Mr. Aniket Mitra,
Ms. Faria Hossain
... For the State.

Apprehending arrest in connection with Nakashipara P.S. Case No. 600 of 2020 dated 21.11.2020 under Sections 447/325/326/307/379/427/34 of the Indian Penal Code, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioners submits that there was a dispute amongst the parties pertaining to a pathway. The petitioners are innocent and have been falsely implicated. There is no incriminating material against the petitioners and as such, custodial interrogation of the petitioners is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, *prima facie*, it appears that no overt act has been attributed to the petitioner nos. 1, 3, 4, 5, 6, 7 and 8. In view thereof, we are of the opinion that custodial interrogation/detention of the said petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail in respect of the petitioner nos. 1, 3, 4, 5, 6, 7 and 8 and direct that in the event of arrest, the petitioner Nos. 1, 3, 4, 5, 6, 7 and 8, namely, **Sokir Haoui Mondal @ Saker Mondal, Junu Mondal @ Jonab Mondal, Sukur Ali Mondal @ Sukchand Mondal, Julu Mondal @ Julfikkar Mondal, Minaj Mondal @ Minhaj Ali Mondal, Nengtu Mondal @ Firatulla Mondal and Siddik Mondal** respectively, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner nos. 1, 3, 4, 5, 6, 7 and 8 shall meet with the Investigating Officer once a week on and from 3rd May, 2021 until further orders.

However, from the records it *prima facie* appear that overt act has been attributed to the petitioner no.2, namely, **Absar Mondal @ Apchhar Mondal** and as such we are not inclined to grant anticipatory bail to the said petitioner. His prayer for anticipatory bail is, accordingly, **rejected**.

The application for anticipatory bail, being CRM 995 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)